

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL GUNTER,

Plaintiff,

No. C 05-03910 JSW

v.

DEPARTMENT OF HOUSING & URBAN
DEVELOPMENT, et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S
MOTIONS AND EXTENDING
TIME TO FILE AMENDED
COMPLAINT**

On December 27, 2005, the Court issued an order denying Plaintiff's application to proceed *in forma pauperis* and dismissing his complaint with leave to amend. The Court provided Plaintiff until January 23, 2006 to file a comprehensible complaint. On December 29, 2006, Plaintiff filed the following three motions: 1) motion for peremptory challenge, 2) request for renote of hearing, and 3) motion for summary judgment. Because the Plaintiff's complaint was dismissed and Plaintiff has not yet filed an amended complaint, the Court HEREBY DENIES Plaintiff's motions without prejudice to refiling after he files a comprehensible complaint.

The Court FURTHER ORDERS that Plaintiff's time to file a comprehensible complaint is **EXTENDED** until **February 23, 2006**. Plaintiff's amended complaint shall comply with Federal Rule of Civil Procedure 8(a) by setting forth the grounds upon which this Court has jurisdiction, "a short and plain statement of the claim showing that the pleader is entitled to relief, . . . and a demand for judgment for the relief the pleader seeks." Plaintiff is advised that

his failure to file timely an amended complaint shall result in dismissal of this action without prejudice.

IT IS SO ORDERED.

Dated: January 23, 2006



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California